

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                           |   |   |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, | ) | Case No.: 4:17 CR 39                      |
|                           | ) |   |
| Plaintiff                 | ) | JUDGE SOLOMON OLIVER, JR.                 |
|                           | ) |   |
| v.                        | ) |   |
|                           | ) |   |
| NEWELL SPANN,             | ) | <b><u>ORDER ACCEPTING PLEA</u></b>        |
|                           | ) | <b><u>AGREEMENT, JUDGMENT AND</u></b>     |
|                           | ) | <b><u>REFERRAL TO U. S. PROBATION</u></b> |
| Defendant                 | ) | <b><u>OFFICE</u></b>                      |

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman regarding the change of plea hearing of Newell Spann, which was referred to the Magistrate Judge with the consent of the parties.

On February 1, 2017, the Government filed a one-count Indictment, charging Defendant, Newell Spann, with Felon in Possession of Firearms and Ammunition, in violation of Title 18 United States Code, Section 922(g)(1), and 924(a)(2). Defendant Spann was arraigned on February 6, 2017, and entered a plea of not guilty to Count 1, before Magistrate Judge George J. Limbert. On March 29, 2017, Magistrate Judge William H. Baughman, Jr., received Defendant Spann's plea of guilty to Count 1, of the Indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R.

On *de novo* review of the record, the Magistrate Judge's R&R is hereby adopted. Defendant Newell Spann is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is hereby approved.

Therefore, Defendant Spann is adjudged guilty of Count 1 of the Indictment, in violation of Title 18 United States Code, Section 922(g)(1) and 924(a)(2). This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation report. Sentencing will be held on July 6, 2017, at 3:00 p.m. in Courtroom 19-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

April 19, 2017